

CHILD ADVOCACY BOARD[489]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237.18, the Child Advocacy Board hereby gives Notice of Intended Action to renumber Chapter 4, “Public Records and Fair Information Practices,” as Chapter 5 and to adopt a new Chapter 4, “Court Appointed Special Advocate Program,” Iowa Administrative Code.

The new Chapter 4 establishes standards for the Court Appointed Special Advocate (CASA) Program as directed by Iowa Code sections 237.18(2) and 237.18(7). The CASA Program provides advocates for children who have been abused or neglected, are under court jurisdiction and are often placed in out-of-home care. The new chapter formalizes requirements for the selection and screening of volunteers, preservice training, ongoing education, and assignment and supervision of volunteers who serve as court appointed special advocates (CASAs).

Additionally, the new chapter addresses the requirement in Iowa Code section 237.18 that rules be written to address expansion of the CASA Program to additional areas of the state and to formalize the volunteer position of court appointed special advocate coach. This volunteer position may be filled by a CASA who has at least two years of successful case experience or equivalent experience in a substantially similar role and additional specialized training. The volunteer coach will extend the capacity of Child Advocacy Board staff to provide oversight and supervision to a far larger number of children. The current staffing and volunteer service model is sufficient to provide CASAs for only about 1,000 of the more than 5,000 abused and neglected Iowa children in out-of-home care at any given time. Implementation of the coach position will promote expansion of the program’s capacity exponentially. Jurisdictions in other states that have implemented similar staffing and volunteer service models have more than tripled their capacity to provide oversight and coaching to CASAs without decreasing the quality of their programs.

Finally, the proposed rules:

- Designate the program certification standards of the National Court Appointed Special Advocate Association as the national guidelines to which the Iowa CASA Program will adhere,
- Delineate the children eligible for CASA Program service, and
- Set forth basic requirements for an annual program report to the General Assembly, Governor and Supreme Court.

The proposed rules were approved by the Child Advocacy Board at its November 8, 2013, meeting. In addition to this rule making, the Board intends to initiate rule making to amend its other chapters of administrative rules over the next several months. These additional amendments will incorporate Iowa Code revisions that have occurred since the rules were last amended.

Any interested person may make written suggestions or comments on the proposed amendments on or before January 28, 2014. Such written materials should be addressed to Administrator, Child Advocacy Board, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)281-5975; or e-mailed to Jim.Hennessey@dia.iowa.gov.

This rule making does not provide for waivers in specified situations but does permit the administrator of the Iowa Child Advocacy Board to determine that a CASA coach candidate meets alternate experience requirements and to make limited exceptions to negative background check findings for court appointed special advocates and coaches when the negative finding poses no risk to the safety or well-being of children.

After review and analysis of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237.18.
The following amendments are proposed.

ITEM 1. Renumber **489—Chapter 4** as **489—Chapter 5**.

ITEM 2. Adopt the following new 489—Chapter 4:

CHAPTER 4
COURT APPOINTED SPECIAL ADVOCATE

489—4.1(237) Purpose. The child advocacy board is required by Iowa Code section 237.18 to establish procedures and protocols for administering the court appointed special advocate program.

4.1(1) Definitions.

“Administrator” means the person selected by the child advocacy board to lead, direct and manage the staff and programs established by the board.

“Certified,” when used as a descriptor of a court appointed special advocate, means that an applicant has been determined by the child advocacy board to have the required qualifications to become a court appointed special advocate and has completed the application requirements, background checks, screening and selection process and training established pursuant to the rules in this chapter.

“Coordinator” means the staff member of the child advocacy board who is responsible for planning and implementation of the court appointed special advocate program in a county or cluster of counties in the state.

“Court appointed special advocate” or *“CASA”* or *“advocate”* means a person who has volunteered and is duly certified by the child advocacy board for participation in the court appointed special advocate program and appointed by the court to represent the interest of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from the proceeding. Unless otherwise enlarged or circumscribed by a court or juvenile court having jurisdiction over the child or by operation of law, the duties of a court appointed special advocate with respect to a child pursuant to Iowa Code section 232.2(22) *“b”* shall include the following:

1. Conducting in-person interviews with the child, if the child’s age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child, if authorized by counsel.
2. Conducting interviews with the child, if the child’s age is appropriate for the interview, prior to any court-ordered hearing.
3. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.
4. Interviewing any person providing medical, mental health, social, educational, or other services to the child, before any hearing referred to in paragraph “2” of this definition.
5. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the person is appointed.
6. Attending any hearings in the matter in which the person is appointed.
7. If the child is required to have a transition plan developed in accordance with the child’s case permanency plan and subject to review and approval of a transition committee under Iowa Code section 235.7, assisting the transition committee in development of the transition plan.

4.1(2) Program mission. The court appointed special advocate (CASA) program certifies and guides trained community volunteers to serve as an effective voice in court for abused and neglected children, strengthening efforts to ensure that each child is living in a safe, permanent and nurturing home.

4.1(3) Program goal. The CASA program shall develop and expand effective advocacy by certified advocates for every abused and neglected child in Iowa.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—4.2(237) Program requirements.

4.2(1) Operation requirements.

a. The state board delegates responsibility to the administrator to hire, train and manage sufficient CASA coordinators throughout the state to plan and coordinate a CASA program in every county of the state. The administrator shall determine the number of court appointed special advocates or coaches an individual coordinator may supervise and coach.

b. The coordinator is responsible for recruiting, screening, selecting, training and supervising a sufficient number of court appointed special advocates to serve every child for whom a district court judge assigns the coordinator to provide a CASA.

c. If the number of CASA volunteers required for the county or counties for which the coordinator is responsible exceeds the number approved pursuant to paragraph 4.2(1) "a," the coordinator shall recruit a sufficient number of CASA coaches to supervise and coach the CASA volunteers needed to meet the court's requirements.

d. A CASA coach shall supervise and coach up to ten CASA volunteers at any given time. If the CASA coach has an individual CASA assignment, the coordinator may further limit the number of CASA volunteers supervised by the coach.

e. The coordinator accepts case appointments from the local judge and assigns an advocate to each case to which a CASA is appointed. When the local organizational structure includes a CASA coach, the coach is consulted in the decision about the appointment.

f. The CASA selection is made in a manner that provides the best match available between the knowledge, skills, abilities, availability and preferences of the advocate and the needs and preferences of the child. The assignments shall be made in a manner that avoids conflicts of interest, risk to the child's or advocate's safety and jeopardy to the program's integrity.

g. Upon selection of the CASA who will serve on an individual case, the court and all interested parties are notified of the selection.

h. The selected CASA continues to serve on the case until the assignment is terminated by the court.

4.2(2) CASA advocate and coach qualifications. Potential coaches and advocates shall meet the following qualifications:

a. Have a genuine interest in advocating for children and their rights and needs.

b. Have time available and a schedule which allows completion of mandatory duties.

c. Commit initially to a one-year case assignment as a CASA and understand that a CASA is expected to continue case responsibilities until the case or the assignment is terminated by the court.

d. Have the ability to interact with people involved in the child welfare system.

e. Have the ability to communicate effectively both in verbal and written presentations.

f. Be at least 19 years of age or older.

g. Not be a person employed by the state board or the department of human services, the department of inspections and appeals, the district court, or an agency with which the department of human services contracts for services for children.

4.2(3) Additional qualifications for CASA coaches. In addition to meeting all requirements in subrule 4.2(2), a CASA coach shall have served for two years as a CASA advocate on assigned cases and shall be in good standing. The administrator may approve comparable alternate experience for a coach.

4.2(4) Application requirements. A CASA coach candidate is invited by a coordinator to serve in the role of coach. A coach candidate who is in good standing as a CASA has no additional application requirements. A coach candidate who has received approval for alternate comparable experience and any CASA applicant shall complete the following requirements:

a. Submit a program application to the program office.

b. Provide the names and addresses of at least three nonrelative personal references.

c. Participate in at least one personal interview with the local coordinator.

d. Complete mandatory CASA preservice training, consisting of a minimum of 30 hours of course time.

e. Take a confidentiality oath, administered by the presiding juvenile court judge, or designee, for whom the CASA will be performing official duties.

f. Authorize a release of information for the CASA program to conduct a complete criminal history check of the applicant's background, including division of criminal investigation, Federal Bureau of Investigation, motor vehicles division, child abuse registry and sex offender registry checks. Applicants who refuse to sign required background check releases will not be considered for acceptance into the CASA program. The following criteria are applied when a background check yields a finding:

(1) Any applicant found to have been convicted of, or having charges pending for, a felony or misdemeanor involving a sex offense, child abuse or neglect or related acts that would pose a risk to children or to program credibility is not accepted as an advocate.

(2) An applicant with a documented criminal domestic abuse, child physical abuse, or child sexual abuse offense or child physical or sexual abuse documented on the abuse will not be approved.

(3) An applicant found to be convicted of other types of misdemeanors or felonies that would not pose a risk to children or program credibility may be approved by the administrator after review in consultation with the coordinator.

(4) A coordinator may request an exception from the administrator if an applicant has a negative background check finding. Examples of offenses that may qualify for an exception include an operating while intoxicated offense older than four years, with documented completion of successful treatment; a drug offense older than eight years, with documented completion of successful treatment; and a felony conviction of truth and veracity offenses more than ten years old.

4.2(5) *Volunteer selection protocol.* The state board delegates responsibility to the administrator to establish in the program's policy and procedures manual complete direction for weighing all application qualifications and requirements to determine final selection of applicants to become CASA and CASA coach volunteers.

4.2(6) *Staff responsibilities specific to the court appointed special advocate program.*

a. The program administrator reports to the child advocacy board, is responsible for the following duties, and may delegate the duties to designated staff:

(1) Manage the program statewide.

(2) Establish and modify the program policy and procedures manual and the program training curriculum and resources needed for program operation.

(3) Supervise local programs operated by the program coordinators.

(4) Prepare program reports and updates, including expansion recommendations for the state board.

(5) Prepare annual program reports to the governor, general assembly and courts.

(6) Initiate and maintain contact with judicial districts regarding a change in or expansion of the CASA program.

b. The program liaison, under the direction of the administrator, directs and coordinates implementation of the program by carrying out the following duties:

(1) Supervise and evaluate the work of program coordinators and field support staff and administer personnel and related policies and procedures for the field.

(2) Represent the best interests of the program with the department of human services, the courts, and allied agencies on behalf of the CASA program.

(3) Develop performance standards for program coordinators and field support staff.

(4) Analyze data and prepare local and statewide reports on CASA program performance in the field and take corrective action as needed to resolve problems and achieve goals.

c. The coordinator shall recruit, screen, interview, train and support sufficient CASA coaches and advocates to meet the requirements of the courts for the counties in which the coordinator operates the program. Upon receipt of court authorization to designate a CASA coach and advocate to serve a child, the coordinator shall carry out the following duties related to providing oversight of a coach responsible for overseeing an advocate assigned to serve a child:

(1) Meet with coaches at least monthly to review cases and, as needed, to assign each case to an advocate.

(2) Organize discovery on a new case and set up a file for the coach and advocate.

- (3) Meet with coaches to discuss any problems and plans involving advocates.
 - (4) Conduct 60-day and annual reviews of coaches' work.
 - (5) Notify coaches of conferences, seminars and meetings that will provide developmental opportunities.
 - (6) Provide ongoing coaching, support and encouragement to coaches, who in turn will assist the advocates in working with the children to whom they are assigned.
 - (7) Before distributing them to the appropriate parties, complete the final edit of court reports written by advocates and edited by coaches.
 - (8) Attend court hearings as needed by coaches or advocates.
 - (9) Provide help as needed to coaches and advocates when they are closing a case.
 - (10) Become a subject matter expert in one specialized area and provide assistance statewide to coaches and advocates who have questions about the topic.
 - (11) Maintain professional relationships with the court, the department of human services, attorneys, and other service providers.
 - (12) Provide the link between administrator and program liaison and local coaches and advocates.
- d. Upon receipt of court authorization to designate an advocate only to serve a child, the coordinator shall carry out the following duties related to oversight of the advocate:
- (1) Assign the advocate to the case.
 - (2) Inform the advocate of the assignment and verify the advocate's acceptance of the case.
 - (3) Prepare initial discovery documents and review them with the advocate, making note of important documents.
 - (4) Track court hearings and confirm the advocate's attendance.
 - (5) Maintain familiarity with CASA policies and procedures.
 - (6) Obtain case updates from and address any issues for advocates; maintain monthly contact with advocates who have cases; remind advocates to keep their contact log entries and training hours up to date and to timely submit court reports.
 - (7) Maintain log of current cases and contacts with advocates.
 - (8) On a daily basis, check e-mails for updates and give timely approval to pending contact logs and court reports.
 - (9) Review and edit court reports and send to interested parties.
 - (10) Be available to attend court hearings with advocates or on their behalf, and document actions taken.
 - (11) Attend required training and educational opportunities to enhance skills.
- e. When a CASA coach has been assigned to oversee an advocate, the coach provides coaching and support to the advocate to ensure that each child involved receives sound advocacy and early permanency planning. The responsibilities of the coach include:
- (1) Support and coach up to ten advocates in their work with children.
 - (2) Together with the coordinator, assign advocates to cases.
 - (3) Inform advocates of assignment and verify their acceptance of the case.
 - (4) Receive initial discovery documents from the coordinator and review them with advocates, making note of important documents.
 - (5) Report to the coordinator monthly, or as needed, to discuss advocate progress, cases and other issues that have arisen.
 - (6) Notify the coordinator of critical events in a case.
 - (7) Track court hearings and confirm advocates' attendance.
 - (8) Consult with the coordinator regarding any advocate performance concerns.
 - (9) Maintain familiarity with CASA policies and procedures.
 - (10) Obtain case updates from and address any issues for advocates; maintain monthly contact with advocates who have cases; remind advocates to keep their contact log entries and training hours up to date and to timely submit court reports.
 - (11) Maintain log of current cases and contacts with advocates.

(12) On a daily basis, check e-mails for updates and give timely approval to pending contact logs and court reports.

(13) Review and edit court reports and send them to the coordinator for final review and dissemination.

(14) Be available to attend court hearings with advocates or on their behalf, and document actions taken.

(15) If unavailable, schedule coverage by contacting the coordinator, who can provide assistance.

(16) Attend required training and educational opportunities to enhance skills.

f. A CASA advocate is a trained community volunteer appointed by the court to speak in the best interests of children who have been neglected or abused. The CASA has the following responsibilities:

(1) Agree to take a case as recommended by the coordinator or coach and to maintain confidentiality of all information regarding the case.

(2) Independently review all documents and records for the case and interview the child, parents, social workers, teachers and others to gain an understanding of the situation and the child's needs.

(3) Observe the child at least once a month; if this is not feasible, document the reason.

(4) Maintain regular contact with the child's legal counsel, department of human services workers and other persons with personal knowledge or direct involvement in the child's case; advise the child's legal counsel, or any other legal party, of any changes that might require modification of a court order.

(5) When feasible, attend all preplacement and placement review staffings regarding the child.

(6) Identify and request appropriate evaluation, examinations, and testing of the child.

(7) Write a report of findings and make fact-based recommendations in a court report. The report shall include the results of the CASA's initial investigation of the child's case, including but not limited to recommendations regarding placement of the child and other recommendations based on the best interests of the child. The CASA shall submit subsequent reports detailing the continuing situation of the child's case as long as the child remains under the jurisdiction of the court. The CASA shall prepare other reports as required by the court and submit them to the coordinator or coach, who will make suggestions for improvement. Final review of the advocate's report is completed by the coordinator prior to dissemination of the report to the court and all interested parties.

(8) Review motions, pleadings, court orders and notices, prior to attending a hearing.

(9) Attend court hearings to advocate for the child's best interests and provide testimony when necessary.

(10) Inform the court promptly of important developments in the case.

(11) Maintain complete records of the case, including appointments, interviews and information gathered about the child and the child's environment.

(12) Submit monthly case updates to the coach or coordinator.

(13) Return case files to the program upon case closure.

(14) Seek ways to continually improve knowledge and skills.

4.2(7) *Establishing additional procedures and protocols.*

a. The state board is responsible under the statute for establishment of procedures and protocols which must be consistent with the provisions of the statute.

b. Responsibility is delegated by the state board to the administrator to establish and submit to the board for approval a program policy and procedures manual which provides detailed guidance to child advocacy board staff and volunteers on application of these rules and the statutes that govern the operation of the court appointed special advocate program.

c. Child advocacy board staff and volunteers are required to comply with the protocols and procedures established by the state board and the provisions of the policy and procedures manual established by the administrator and approved by the board.

d. Day-to-day implementation of program policy is delegated by the state board to administrative staff. Staff is responsible for bringing questions about policy issues to the state board for clarification or changes of state policy.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—4.3(237) Training. All child advocacy board staff, state board members, court appointed special advocates, and court appointed special advocate coaches shall complete preservice and ongoing in-service training.

4.3(1) Preservice training. Court appointed special advocates and CASA coaches shall complete successfully a minimum of 30 hours of preservice training prior to final selection as a child advocacy volunteer. The training shall include, but is not limited to, the following content areas:

- a. The role of the volunteer CASA coach and advocate;
- b. The applicable laws, the child protection system and the role of the court;
- c. Cultural awareness when working with vulnerable children and families;
- d. Understanding family factors that affect safety, permanency and well-being of children in need of assistance;
- e. Understanding of child development and the social, emotional, psychological, educational, attachment, transition and resiliency needs of children and youth;
- f. Communication, collaboration and dealing with conflict as a CASA program volunteer;
- g. Gathering of information in the CASA program volunteer role;
- h. Meeting expectations for case monitoring and reporting; and
- i. Use of supervision, coaching and other supports to enable effective practice.

4.3(2) Ongoing education. Every CASA and CASA coach shall complete a minimum of 12 hours of in-service training or education annually. This training or education shall include required training sessions for all volunteers whenever it is determined essential to achieve program goals or individual child outcomes by the state board or administrator. The local coordinator shall require specific training sessions or courses for an individual CASA or CASA coach volunteer whenever doing so is necessary to meet the volunteer's development needs or the needs of a specific child being served. Each volunteer may select the remaining portion of the required annual training hours from a list of training offerings approved by the coordinator or from alternative offerings provided that prior approval by the coordinator is obtained.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—4.4(237) Adherence to national guidelines. The National Court Appointed Special Advocate Association has established a national quality assurance system for CASA programs. The primary goal of the system is to strengthen CASA organizations and support their efforts to provide high-quality child advocacy and achieve the maximum level of excellence. The national CASA self-assessment tools, one for state organizations and another for local programs, are used once every four years to measure compliance with quality standards. The quality standards cover organizational mission; governance, ethics and compliance with laws and regulations; planning, assessment and evaluation; human resource management; financial and risk management; public relations; quality assurance; national CASA affiliation; new organization development; and inclusiveness and diversity. The child advocacy board has participated in this rigorous self-assessment process and has obtained certification of compliance with the standards. The board shall continue to maintain compliance with the standards and, within the limits of available funding, shall deploy resources to maintain compliance in the future.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—4.5(237) Children eligible for assignment of a court appointed special advocate. The court appointed special advocate program serves any child for whom the court appoints a court appointed special advocate. The court may appoint an advocate to represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from the proceeding. The court may appoint an advocate in a delinquency, child in need of assistance, or family in need of assistance proceeding. If the plan for the child's transition from foster care to adulthood identifies services or other support needed to assist the child when the child becomes an adult and the court deems it beneficial to the child, the court may authorize the court

appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—4.6(237) Annual program report. The child advocacy board shall issue an annual report to the general assembly, the governor and the supreme court. The report shall provide information about the number of volunteers providing service through the court appointed special advocate program, the number of children served by the program, and the benefits children and their families have obtained from the program.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.